

PATENT

Attorney Docket No. VM7036492002

Varian No. 03-030

REMARKS

Amendments to claims 1, 12, 21, 24, 27, 28, and 39 are for the purpose of clarifying what Applicant regards as the invention. Amendment to claim 13 is to correct an antecedent basis. No new matter has been added.

I. ELECTED CLAIMS

According to the Office Communication dated December 9, 2005, Applicant must submit claims directed to the elected group. Currently, claims 1-3, 13, 21-25, 27-34, and 39-42 are pending, which are drawn to Group I. New claims 43-53 depend from claim 1, and therefore, should be examined with Group I.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 4, 5, 24, and 26 stand rejected under 35 U.S.C. § 112. Claims 4, 5, and 26 have been canceled. Claim 24 has been amended to remove the alleged deficiency.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-3, 9-12, 14, 15, 21-23, 25, 27-33, and 39-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,614,878 (Bogatu). Applicant respectfully notes that in order to sustain a § 102 rejection, each of the claimed elements must be found, either expressly or inherently, in the cited reference.

Claim 1 recites a disk located within the cavity, the disk having a first target material and a second target material. Claim 39 recites a first target material and a second target material. Bogatu does not disclose or suggest these limitations. For at least the foregoing reason, claims 1 and 39, and their respective dependent claims, are believed allowable over Bogatu.

Claims 21 recites generating a first x-ray radiation using a first target material, and generating a second x-ray radiation using a second target material. Bogatu also does not disclose or suggest such limitations. For at least the foregoing reason, claim 21 and its dependent claims are believed allowable over Bogatu.

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CONCLUSION

If the Examiner has any questions or comments, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7036492002. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7036492002.

Respectfully submitted,
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